THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.26999 OF 2007

Dated: 18.12.2007

Between:

Shaik Anwar

....Petitioner.

AND

The Secretary, Regional Transport
Authority, Ranga Reddy East, Uppal,
Ranga Reddy District
and another

...Respondents.

Counsel for the petitioner : Sri S.Arifulla

Counsel for respondent Nos.1 and 2: Assistant Government
Pleader for Transport.

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.26999 OF 2007

ORDER:

This writ petition is filed for a writ of Mandamus to declare the action of respondent No.2 in seizing the petitioner's vehicle bearing registration No.AP 29/U 4131 under Vehicle Check Report No.1925626, dated 12.12.2007 as illegal and arbitrary. The petitioner also sought for a consequential direction to the respondents to release the said vehicle in favour of the petitioner

The admitted facts are that on 12.12.2007, when the lorry bearing the registration number which was mentioned above, was being plied with the load of sand, it was seized at a place called Chilakalur by the Motor Vehicle Inspector. The Vehicle Check Report shows that as against the Registered Laden Weight (RLW) of 25,000 K.Gs, the vehicle was found with the Gross Vehicle Weight (GVW) of 27,310 K.Gs, thereby it was carrying an excess weight of 2,310 K.Gs. The vehicle was therefore seized.

The petitioner in his affidavit stated that on 14.12.2007 he approached respondent No.1 along with an application seeking release of the vehicle and that as respondent No.1 declined to receive the same, he was forced to send the said application on the same day through speed post. On the ground that the vehicle was not released, the petitioner filed this petition on 17.12.2007.

Heard Sri S.Arifulla, learned counsel for the petitioner and the learned Assistant Government Pleader for Transport.

Under Rule 448B of the Andhra Pradesh Motor Vehicles Rules, 1989, respondent No.1 is the authority entrusted with the power to receive and consider the applications for release of any motor vehicle seized under the provisions of the Motor Vehicles Act, 1988. Though the petitioner alleged in his affidavit that he approached respondent No.1 on 14.12.2007 personally, but the latter declined to receive his application, no evidence in this regard has been placed before this Court. At any rate, on the petitioner's own showing, he sent the application for release of the vehicle by speed post. The petitioner has not averred as to whether the said application was received by respondent No.1, if so, when? Since respondent No.1 is vested with the power to dispose of the application for release of the vehicle, I am not inclined to exercise the extraordinary jurisdiction of this Court to direct release of the vehicle of the petitioner, more so hardly within three days from the date of the alleged sending of the application by the petitioner. Respondent No.1 being authority entrusted with many statutory functions deserves to be granted some reasonable time to consider and dispose of the applications for release of vehicles. The petitioner without waiting for the reasonable time approached this Court for release of the vehicle. Therefore, while dismissing the writ petition, I direct respondent No.1 to immediately consider and dispose of the application of the petitioner, if any, received by him within two days from the date of receipt of this order.

As a sequel to the dismissal of the writ petition,

WPMP No.35305 of 2007 filed by the petitioner for interim relief is also dismissed.

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C.V.NAGARJUNA REDDY, J.

Date: 18.12.2007.
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